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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SKED, MATTHEW J

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/884,902	ODINAK, GILAD	
	Examiner	Art Unit	
	Matthew J. Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The objection to the specification is withdrawn in view of the amendments filed 10/03/05.
2. The objection to the claims is withdrawn in view of the amendments filed 10/03/05.
3. Applicant's arguments with respect to claims 1, 7, 12, 13 and 15 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.
4. As per claims 4, 8, 11, and 14, Applicant argues that Urs does not teach "preprocessing the voice transmission based upon a transmission destination". The Examiner respectfully disagrees. Urs teaches a distributed speech processing system that determines the mode for transmission is voice or data. Voice and data transmissions each have different transcoders, e.g. data transmission converts iDEN data to 64kbps PCM while the voice transmission converts VSELP voice into PCM voice (col. 4, line 33 to col. 5, line 7). This conversion is a preprocessing that is based upon the transmission destination since voice and data are communicated to different devices. The rejection stands.
5. Applicant challenges the Official Notice that determining if an incoming call is from a computer is well known in the art. Mulvey et al. (U.S. Pat. Pub. 2001/0033643A1) teaches a system for telephone privacy protection that determines if

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the call is coming from an unwanted user, which includes a computer (paragraphs 48, 135 and 136).

6. Claims 16 and 17 have been newly added.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 4, 8, 9, 11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Urs et al. (U.S. Pat. 6,363,349).

As per claims 4, 11 and 14, Urs teaches a method, apparatus and computer based device comprising:

selecting an address for a voice transmission (communication service request indicates which mode to operate in where each mode would have a different destination address for the signal, col. 4, lines 33-34);

receiving at a user input unit a phonation inputted for the voice transmission (system establishes a voice path between the communication unit and the communication device hence receiving a phonation from the user at the communication unit, col. 4, lines 53-64);

preprocessing the voice transmission based upon the selected address (Voice and data transmissions each have different transcoders, e.g. data transmission converts iDEN data to 64kbps PCM while the voice transmission converts VSELP voice into PCM voice, col. 4, line 33 to col. 5, line 7).

if the selected address is associated with a speech recognition device, processing the received phonation according to an algorithm associated with the speech recognition device and sending the processed phonation to the selected destination (if in the data mode the system performs pulse code modulation on the speech data and sends it to the voice recognition unit, col. 4, lines 33-52); and

if the selected address is not associated with a speech recognition device, sending the received phonation to the selected destination according to a delivery method associated with human recipients (if in voice mode the system performs pulse code modulation on the data and sends it to the communication device, col. 4, line 53 to col. 5, line 7).

9. As per claim 8, Urs teaches a computer based device comprising:

a receiving component configured to receive a voice signal from a source over a network (system establishes a voice path between the communication unit and the communication device hence receiving a voice signal, col. 4, lines 53-64);

a preprocessing component configured to determine a destination addressed associated with the received signal (communication service request indicates which mode to operate in where each mode would have a different destination for the signal, col. 4, lines 33-34); determine signal processing algorithm from a plurality of signal

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processing algorithms based on the determined address (performs voice or data PCM depending upon the mode hence would determine the algorithm when the mode is determined, col. 4, line 33 to col. 5, line 7); process the voice signal according to the determined algorithm (performs pulse code modulation on the signal, col. 4, line 33 to col. 5, line 7); and

a delivery component configured to send the processed signal to the associated address (transfers the signal after being processed to either a communication device or voice recognition unit, col. 4, line 33 to col. 5, line 7).

10. As per claim 9, Urs teaches wherein determining the processing algorithm comprises finding in memory a signal processing algorithm that is associated with the determined destination address (signal processing is performed on the base station hence the algorithms would be stored in memory on the base station, col. 4, line 33 to col. 5, line 7).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 2, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urs et al. (U.S. Pat. 6,363,349) in view of Ramberg et al. (U.S. Pat. 6,398,105).

As per claims 1 and 13, Urs teaches a method, apparatus and computer based device comprising:

receiving a voice signal from a source over a network (system establishes a voice path between the communication unit and the communication device hence receiving a voice signal, col. 4, lines 53-64);

determining a destination associated with the received signal (communication service request indicates which mode to operate in where each mode would have a different destination for the signal, col. 4, lines 33-34);

determining a signal-processing algorithm from a plurality of signal processing algorithms based on the determined address (performs voice or data PCM depending upon the mode hence would determine the algorithm when the mode is determined, col. 4, line 33 to col. 5, line 7);

processing the voice signal according to the determined algorithm (performs pulse code modulation on the signal, col. 4, line 33 to col. 5, line 7); and

sending the processed signal to the associated address (transfers the signal after being processed to either a communication device or voice recognition unit, col. 4, line 33 to col. 5, line 7).

Urs does not teach preprocessing the signal to determine the transmission destination.

Ramberg teaches a communication device that switches data based on the type of the data, which is determined by processing the data (col. 2, lines 19-30).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Urs to preprocess the signal to determine the transmission destination as taught by Ramberg because it would allow the destination to be determined automatically hence making the system more self-sufficient.

13. As per claim 2, Urs teaches wherein determining the processing algorithm comprises finding in memory a signal processing algorithm that is associated with the determined destination address (signal processing is performed on the base station hence the algorithms would be stored in memory on the base station, col. 4, line 33 to col. 5, line 7).

14. As per claim 16, Urs teaches a method comprising:

receiving a signal from a source over a network (system establishes a voice path between the communication unit and the communication device hence receiving a voice signal, col. 4, lines 53-64);

determine a transmission destination (communication service request indicates which mode to operate in where each mode would have a different destination for the signal, col. 4, lines 33-34);

searching a stored memory for the transmission destination in order to match the transmission destination to a signal-processing algorithm from a plurality of signal processing algorithms (system would inherently search the memory to determine the mode to operate in that corresponds to the communication service request, col. 4, lines 33-52);

executing an optimization algorithm on the signal (performs voice or data transcoding which would be optimized for either, col. 4, line 33 to col. 5, line 7); and

transmitting the optimized signal to the transmission destination (transfers the signal after being processed to either a communication device or voice recognition unit, col. 4, line 33 to col. 5, line 7).

Urs does not teach preprocessing the signal to determine the transmission destination.

Ramberg teaches a communication device that switches data based on the data type of the data, which is determined by processing the data (col. 2, lines 19-30).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Urs to preprocess the signal to determine the transmission destination as taught by Ramberg because it would allow the destination to be determined automatically hence making the system more self-sufficient.

15. As per claim 17, the signal is transmitted using DTMF tones (communication system includes a tone generator and this would be DTMF since it is a standard, Fig. 3, element 322).

16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Urs in view of Ramberg and in further view of Mulvey et al. (U.S. Pat. Pub. 2001/0033643A1).

Urs suggests determining the originator of the voice signal, if the determined destination is a human recipient (suggests performing caller ID, col. 13, lines 16-21).

Urs and Ramberg do not teach if the determined originator is a computer-based system, alerting the recipient that the voice signal is from a computer-base system.

Mulvey et al. (U.S. Pat. Pub. 2001/0033643A1) teaches a system for telephone privacy protection that determines if the call is coming from an unwanted user, which includes a computer (paragraphs 48, 135 and 136)

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Urs and Ramberg to notify the recipient that a voice signal is from a computer-based system as taught by Mulvey because this phone call would most likely be from a telemarketer and most telephone users find it undesirable to speak to a telemarketer.

17. Claims 5, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urs in view of Chang.

As per claim 5, Urs teaches:

switching the destination from a destination associated with a human recipient to a destination associated with a speech recognition device (switches between voice and data modes, col. 4, lines 33-34);

sending a switch signal to the base station based on the switched destination (user sends a communication service request to the base site, col. 4, lines 21-32); and

sending the received phonation to the selected destination according to a delivery method associated with human recipients (in voice mode the system performs

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pulse code modulation on the data and sends it to the communication device, col. 4, line 53 to col. 5, line 7).

Urs does not teach sending a switch signal to the user input unit.

Chang teaches preprocessing the signal to generate a change signal at the transmission site (determines pattern correlation metrics at the transmission site and transmits it back the remote station for adaptation, paragraphs 59 and 60).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Urs to have a preprocessor receive a change signal from the transmission destination as taught by Chang because it would allow errors found at the transmission site to be used to adapt the user device hence creating a more robust system.

18. As per claim 6, Urs teaches

switching the destination from a destination associated with a speech recognition device to a destination associated with a human recipient (switches between voice and data modes, col. 4, lines 33-34);

sending a switch signal to the base station based on the switched destination (user sends a communication service request to the base site, col. 4, lines 21-32); and

processing the received phonation according to an algorithm associated with the speech recognition device and sending the processed phonation to the selected destination (in the data mode the system performs pulse code modulation on the speech data and sends it to the voice recognition unit, col. 4, lines 33-52).

Urs does not teach sending a switch signal to the user input unit.

Chang teaches preprocessing the signal to generate a change signal at the transmission site (determines pattern correlation metrics at the transmission site and transmits it back the remote station for adaptation, paragraphs 59 and 60).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Urs to have a preprocessor receive a change signal from the transmission destination as taught by Chang because it would allow errors found at the transmission site to be used to adapt the user device hence creating a more robust system.

19. As per claim 12, Urs teaches a computer-based device comprising:

a first preprocessor component configured to process a phonation at a user input source for reception by a human recipient (communication infrastructure for communication to a remote device, col. 4, line 53 to col. 5, line 7);

a second preprocessor component configured to send the processed phonation to a transmission destination according to an address associated with the phonation (transmits voice or data to the corresponding destination, col. 4, lines 33 to col. 5, line 7); and

a fourth preprocessor component configured to process a next phonation for reception by a speech recognition server according to a received change signal, and send the newly processed phonation to the transmission destination (communication service request indicates a change in mode to change the destination address hence changing the processing, col. 4, lines 33-52).

Urs does not teach a preprocessor component configured to receive a change signal from the transmission destination.

Chang teaches preprocessing the signal to generate a change signal at the transmission site (determines pattern correlation metrics at the transmission site and transmits it back the remote station for adaptation, paragraphs 59 and 60).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Urs to have a preprocessor receive a change signal from the transmission destination as taught by Chang because it would allow errors found at the transmission site to be used to adapt the user device hence creating a more robust system.

20. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (U.S. Pat. Pub. 2002/0103639A1) in view of Urs.

Chang teaches a method and apparatus comprising:

sending a signal from a user input source to a transmission destination according to an address associated with a generated phonation (transmits processed input voice, paragraph 58) and preprocessing the signal to generate a change signal (determines pattern correlation metrics at the transmission site, paragraphs 59 and 60); and

if the transmission destination is a speech recognition server, sending the change signal from the transmission destination to the user input source (sends speech pattern correlation metrics back to remote station, paragraph 60), generating a phonation for reception by a speech recognition server and sending the newly

processed phonation (modifies the feature vector modification function and processed speech would be transmitted at a subsequent voice input, paragraph 60).

Chang does not teach two transmission sites for speech recognition or a human recipient.

Urs teaches a distributed speech recognition system that transmits both voice and data to different transmission sites (col. 4, line 33 to col. 5, line 7).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Chang to have two transmission sites for speech recognition and human recipient as taught by Urs because it would allow data to be sent directly over a phone line to a user hence increasing the capabilities of the system.

21. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Urs in view of Mulvey et al. (U.S. Pat. Pub. 2001/0033643A1).

Urs suggests determining the originator of the voice signal, if the determined destination is a human recipient (suggests performing caller ID, col. 13, lines 16-21).

Urs does not teach if the determined originator is a computer-based system, alerting the recipient that the voice signal is from a computer-base system.

Mulvey et al. (U.S. Pat. Pub. 2001/0033643A1) teaches a system for telephone privacy protection that determines if the call is coming from an unwanted user, which includes a computer (paragraphs 48, 135 and 136)

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Urs to notify the recipient that a voice signal is from a

computer-based system as taught by Mulvey because this phone call would most likely be from a telemarketer and most telephone users find it undesirable to speak to a telemarketer.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

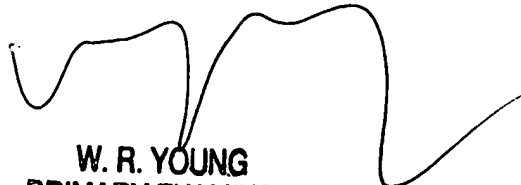
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12/13/05



W. R. YOUNG
PRIMARY EXAMINER